

1
2
3
4
5
6
7
8
9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 VEM MILLER,

12 Plaintiff,

13 v.
14

15 CHAD BIANCO, in his individual and
16 official capacities; COUNTY OF
17 RIVERSIDE, a municipal entity; and
DOES 1 through 100,

18 Defendants.
19
20
21

Case No.: 5:25-cv-00629 KK (DTB)

**[Proposed] Order Granting
Defendants' Motion to Dismiss and
Special Motion to Strike Plaintiff's
First Amended Complaint**

Judge: Hon. Kenly Kiya Kato
Courtroom: 3
Date: July 31, 2025
Time: 9:30 a.m.

Complaint Filed: March 10, 2025
Trial Date: Not Yet Set

1 On June 11, 2025, Defendants Chad Bianco and County of Riverside filed a
2 Motion to Dismiss and Special Motion to Strike Plaintiff's First Amended Complaint.
3 Defendants move to dismiss Plaintiff's first amended complaint pursuant to Federal
4 Rule of Civil Procedure 12(b)(6) and move to strike Plaintiff's state-law causes of
5 action pursuant to California's anti-SLAPP statute, Cal. Civ. Proc. Code § 425.16.

6 The Court, having considered Defendants' motion, and all of the papers in
7 support thereof and in opposition thereto, and finding **GOOD CAUSE**, hereby
8 **GRANTS** Defendants' motion and **FINDS** as follows:

9 1. Plaintiff's first, second, and third causes of action for violation of the
10 First Amendment, municipal liability based on failure to train, and failure to intervene
11 fail to state a claim upon which relief can be granted; and

12 2. Plaintiff's fourth, fifth, and sixth causes of action for slander, libel, and
13 intentional infliction of emotional distress ("IIED") are subject to a motion to strike
14 because they arise out of protected activity and Plaintiff cannot demonstrate a
15 reasonable likelihood of prevailing on the merits of these claims because these causes
16 of action are absolutely barred under the "official duty" and/or "litigation" privileges,
17 *see* Cal. Civ. Code § 47(a) and (b).

18 Accordingly, the Court **ORDERS** as follows:

19 1. Defendants' motion to dismiss is **GRANTED**.

20 2. Plaintiff's first cause of action for violation of the First Amendment is
21 dismissed for failure to state a claim without leave to amend.

22 3. Plaintiff's second cause of action for municipal liability based on failure
23 to train is dismissed for failure to state a claim without leave to amend.

24 4. Plaintiff's third cause of action for failure to intervene is dismissed for
25 failure to state a claim without leave to amend.

26 5. Defendants' anti-SLAPP motion to strike is **GRANTED**.

27 6. The Court strikes Plaintiff's fourth, fifth, and sixth causes of action for
28 slander, libel, and IIED because Plaintiff cannot demonstrate a reasonable likelihood

1 of prevailing on the merits of these claims.

2 **IT IS SO ORDERED.**

3 DATED:

4

HON. KENLY KIYA KATO
5 UNITED STATES DISTRICT JUDGE
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28